

February 19, 2016

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
February 19, 2016

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:02 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Susan Moylan Krey, William A. Schroeder, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director; Roneta Taylor (by telephone), Sherry Campbell (by telephone), Jayne Bethard (by telephone), John Logsdon (by telephone) and Chris Nickols (by telephone), Illinois Department of Central Management Services; Tammy Grant (by telephone) and Lise Spacapan (by telephone), Illinois Department of Children and Family Services; Heidi Guernsey (by telephone), Diana Knaebe (by telephone) and Scott Viniard (by telephone), Illinois Department of Human Services; and Marron Mahoney and Patrick Keane (by telephone), Illinois Department of Juvenile Justice.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD JANUARY 15, 2016

IT WAS MOVED BY COMMISSIONER SCHROEDER, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 3-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD JANUARY 15, 2016.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	144	18
Agriculture.....	336	20
Arts Council.....	11	2
Capitol Development Board.....	46	0
Central Management Services.....	1,424	115
Children and Family Services	2,545	49
Civil Service Commission	4	0
Commerce & Economic Opportunity	303	69
Commerce Commission.....	64	0
Corrections.....	11,758	98
Criminal Justice Authority.....	53	7
Deaf and Hard of Hearing Comm.....	6	1
Developmental Disabilities Council	9	1
Emergency Management Agency.....	75	6
Employment Security	1,192	32
Environmental Protection Agency.....	715	18
Financial & Professional Regulation	430	49
Gaming Board.....	173	6
Guardianship and Advocacy	99	8
Healthcare and Family Services	1,973	26
Historic Preservation Agency.....	135	17
Human Rights Commission	14	2
Human Rights Department.....	128	9
Human Services	13,160	75
Illinois Torture Inquiry Relief Commission	2	1
Independent Tax Tribunal.....	1	0
Insurance	252	16
Investment Board	3	2
Juvenile Justice	1,086	26
Labor	83	11
Labor Relations Board Educational.....	9	2
Labor Relations Board State	15	2
Law Enforcement Training & Standards Bd.	19	2
Lottery.....	138	8
Military Affairs	131	3
Natural Resources	1,185	31
Pollution Control Board.....	19	2
Prisoner Review Board.....	21	0
Property Tax Appeal Board.....	33	1
Public Health.....	1,139	40
Racing Board	2	1
Revenue.....	1,591	53
State Fire Marshal	122	12
State Police	1,045	10
State Police Merit Board.....	6	2
State Retirement Systems.....	102	3
Transportation	3,576	0
Veterans' Affairs.....	1,386	10
Workers' Compensation Commission	121	11
TOTALS.....	46,884	877

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported the following:

- As to Item C, this request is for a Compliance Coordinator at the Department of Juvenile Justice, a position that reports to the Director. This position is responsible for ensuring that State facilities as well as county juvenile detention centers are meeting established standards as set forth in laws such as the Prisoner Rape Elimination Act as well as other sources so that juvenile detainees are securely segregated from society while retaining their constitutional and other legal rights. It does this by conducting or participating in audits of these facilities, and then taking necessary steps through either monitoring post-audit performance or making broader policy changes to bring these facilities in compliance with these imposed standards. Considering that this position has broad compliance responsibilities in juvenile detention realm, Staff recommended approval of this request.

Marron Mahoney, Deputy General Counsel-Department of Juvenile Justice, concurred with this but noted that the position reports to the Deputy Director of Operations who reports to the Director. Commissioner Krey inquired if the position functions as an internal auditor. Marron Mahoney replied that it does but it also reviews and adjusts policies accordingly. Commissioner Krey asked if the agency was mirroring the Department of Corrections with this request. Mahoney responded affirmatively but also noted that this position does more since it is responsible for county facilities as well. Commissioner Krey expressed surprise that the agency had waited this long for the position, but Mahoney noted that there had been an individual on contract performing these duties.

- As to Items D and E, by agreement between Commission Staff and Central Management Services, it is requested that Items D and E be continued to the Commission's March 18, 2016 meeting.
- As to Item F, this request is for a Deputy General Counsel position at the Department of Children and Family Services that reports to the General Counsel who reports to the Deputy Director who reports to the Director. This position has principle policy responsibility for all non-direct service provider contracts and agreements that the agency enters into such as interagency agreements and memoranda of understanding. The agency already has an exempt position responsible for direct service provider contracts. The agency indicated that the requested position functions more than just a legal advisor in that it makes substantive determinations such as the scope of services with authority to bind the agency when it comes to these non-direct service provider agreements. For these reasons, Staff recommended approval of this request.

Lise Spacapan, General Counsel-Department of Children and Family Services, concurred with this but added that there are dozens of Memoranda of Agreements and Intergovernmental Agreements that this position is totally responsible for. They do not go through the Contract Administration position so it is this position that determines the propriety of the contracts, develops the scope of the contracts, and negotiates them on behalf of the agency with the authority to bind the agency. Also,

as one of three Deputy General Counsel positions it has litigation responsibilities for non-juvenile court cases that the agency is part of such as licensing appeals. Commissioner Krey inquired who had been performing these responsibilities previously and Lise Spacapan replied that the current incumbent had.

- As to Item G, this request is for an Assistant Deputy General Counsel position at the Department of Children and Family Services that reports to the General Counsel who reports to the Deputy Director who reports to the Director. This position has principal policy responsibility for administrative hearings which is a function that the Commission previously approved for a principal policy exemption in 2004. That position was clarified to assume the contracts responsibilities above so the agency is essentially resubmitting a previously approved function for approval. Since there has been no appreciable change in the position's responsibilities, Staff recommended approval of this request.
- As to Items H1 and H2, the agency requested that they be continued to the Commission's March 18, 2016 meeting.
- As to Item I1, this request is for a Regional Administrator in the Division of Mental Health in the Department of Human Services, a position that reports to the Director of Mental Health who reports to the Assistant Secretary who reports to the Secretary. The Division of Mental Health (DMH) presently has seven exempt Regional Manager positions that were approved in 2008. These positions have a great deal of autonomy in managing the services that the DMH provides in their respective geographic regions. The agency has now created this Regional Administrator which comes between the Regional Manager positions and the Director. It will essentially serve as a single voice representing the concerns of the Regional Manager positions before the Director and be able to effectively recommend policy development and/or changes to benefit the geographic regions as a whole. While this will necessarily dilute the authority of the Regional Manager positions, they should still retain sufficient principal policy implementation authority in their respective regions to justify their continued exemption. In addition, the Commission has in the past approved similar such positions in other agencies. For these reasons, Staff recommended approval of this request. Diana Knaebe, Director, Division of Mental Health-Department of Human Services, concurred with this.
- As to Item I2, this request is for a Chief of Staff in the Division of Mental Health (DMH) in the Department of Human Services, a position that reports to the Director of Mental Health who reports to the Assistant Secretary who reports to the Secretary. This position will have typical day-to-day and administrative responsibilities equivalent to other exempt Chief of Staff positions in other agencies. While the DMH is not a formal distinct agency under the Civil Administrative Code, it was prior to the creation of the Department of Human Services which remains the largest State agency. Commission rules specifically reference that as a criterion to be considered. For these reasons, Staff recommended approval of this request. Diana Knaebe concurred with this and noted that the DMH is moving forward to fill its vacant exempt positions.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER KREY, THE MOTION ADOPTED 3-0 TO CONTINUE THE EXEMPTION REQUESTS FOR THE FOLLOWING POSITIONS:

D: Chief Labor Counsel (Corrections)

E: Chief Labor Counsel (Human Services)

H1: Regional Economic Development/West Central Region (Commerce and Economic Opportunity)

H2: Assistant Deputy Director, Office of Trade and Investment (Commerce and Economic Opportunity)

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER SCHROEDER, THE MOTION ADOPTED 3-0 TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITIONS:

C: Compliance Coordinator (Juvenile Justice)

F: Deputy General Counsel/Contracts (Children and Family Services)

G: Assistant General Counsel/Administrative Hearings-Litigation (Children and Family Services)

I1: Regional Administrator, Division of Mental Health (Human Services)

I2: Chief of Staff, Division of Mental Health (Human Services)

The following 4d(3) exemption requests were continued to March 18, 2016:

D. Illinois Department of Corrections

Position Number	40070-29-08-000-01-01
Functional Title	Chief Labor Counsel
Incumbent	Vacant
Supervisor	Governor's Office Chief Labor Counsel
Location	Sangamon County

E. Illinois Department of Human Services

Position Number	40070-10-00-000-00-01
Functional Title	Chief Labor Counsel
Incumbent	Vacant
Supervisor	Governor's Office Chief Labor Counsel
Location	Sangamon County

H1. Illinois Department of Commerce and Economic Opportunity

Position Number	40070-42-10-600-00-01 ¹
Functional Title	Regional Economic Development/West Central Region
Incumbent	Vacant
Supervisor	Regional Economic Development Deputy Director who reports to the Director
Location	Sangamon County

H2. Illinois Department of Commerce and Economic Opportunity

Position Number	40070-42-00-090-05-01 ²
Functional Title	Assistant Deputy Director, Office of Trade and Investment
Incumbent	Vacant
Supervisor	Deputy Director, Office of Trade and Investment who reports to the Director
Location	Cook County

The following 4d(3) exemption requests were granted on February 19, 2016:

C. Illinois Department of Juvenile Justice

Position Number	40070-27-00-100-00-02
Functional Title	Compliance Coordinator
Incumbent	Vacant
Supervisor	Deputy Director of Operations who reports to the Director
Location	Kane County

F. Illinois Department of Children and Family Services

Position Number	40070-16-03-300-00-01 ³
Functional Title	Deputy General Counsel/Contracts
Incumbent	Erica Kirkwood
Supervisor	General Counsel who reports to the Chief Deputy Director who reports to the Director
Location	Cook County

¹ Previous exemption was rescinded on February 20, 2015 due to extended vacancy.

² Previous exemption was rescinded on November 15, 2013 due to extended vacancy.

³ This position number is already 4d(3) exempt but the position description was clarified with a substantial change in duties. After review, Staff notified the agency that the position must be resubmitted for consideration.

G. Illinois Department of Children and Family Services

Position Number	40070-16-03-500-00-01
Functional Title	Assistant General Counsel/Administrative Hearings-Litigation
Incumbent	Donald Jonker
Supervisor	General Counsel who reports to the Chief Deputy Director who reports to the Director
Location	Joliet County

I1. Illinois Department of Human Services

Position Number	40070-10-76-000-20-01
Functional Title	Regional Administrator, Division of Mental Health
Incumbent	Vacant
Supervisor	Director of Mental Health who reports to the Assistant Secretary who reports to the Secretary
Location	Cook County

I2. Illinois Department of Human Services

Position Number	40070-10-76-000-40-01
Functional Title	Chief of Staff, Division of Mental Health
Incumbent	Vacant
Supervisor	Director of Mental Health who reports to the Assistant Secretary who reports to the Secretary
Location	Sangamon County

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

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The following class titles were submitted for revision by the Director of the Illinois Department of Central Management Services (CMS):

B. Child Protection Associate Specialist
Child Protection Specialist

Staff Analysis: Assistant Executive Director Barris informed the Commissioners that these classes were revised in 2007 to broaden the candidate pool by removing restrictions regarding human services degrees but the current 2016 revision attempts to broaden the candidate pool by including additional backgrounds in “criminal justice” or “law enforcement.” Barris also noted that there were four different pay grades for two classes and that there appeared to be a division within the classes for union and non-union positions. Barris noted that there were 394 incumbents in the Specialist class and only one incumbent in the Associate class. Barris noted that an agreement on the revisions was reached in the collective bargaining process. John Logsdon, Central Management Services-Technical Services, explained how even though the Illinois Labor Relations Board put all these positions into collective bargaining, Central Management Services must assign a MS pay grade to all classes.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 3-0 TO APPROVE THE CREATION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE MARCH 1, 2016:

B. Child Protection Associate Specialist
Child Protection Specialist

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER SCHROEDER, AND THE MOTION ADOPTED 3-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VII. PERSONNEL RULES

A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. None submitted

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IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER SCHROEDER, AND THE MOTION ADOPTED 3-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE THE MOTION ADOPTED 3-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

CUMMINGS		KREY	YES
SCHROEDER	YES	URLACHER	YES

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:27 a.m.

PRESENT

Susan Moylan Krey, William A. Schroeder, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris (by telephone), Assistant Executive Director.

X. NON-MERIT APPOINTMENT REPORT

Set forth below is the number of consecutive non-merit appointments made by each department as reported by Central Management Services:

Agency	12/31/15	1/31/16	1/31/15
Arts Council	0	0	1
Central Management Services	1	2	1
Children and Family Services	0	0	3
Healthcare and Family Services	2	4	6
Human Services	13	11	7
Insurance	1	1	1
Juvenile Justice	1	1	0
Natural Resources	18	13	9
State Retirement Systems	3	3	0
Transportation	5	5	3
Veterans' Affairs	0	0	0
Workers Compensation Commission	3	3	0
Totals	47	43	31

XI. INTERLOCUTORY APPEAL

DA-27-16

Employee	Bobby L. Stoye	Appeal Date	12/21/15
Agency	Revenue	Decision Date	01/26/16
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss for Default; failure to appear at hearing	Proposal for Decision	Grant the Motion to Dismiss for Default.

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- HB4581 was filed which prevents members of the Civil Service Commission as well as several other Boards and Commissions from establishing creditable service in the State Employees' Retirement System while serving as a Commissioner.
- There have been media reports about potential changes in the Pay Plan to accommodate the Governor's vision of instituting a merit pay system for all employees. Staff will continue to monitor this as it may impact the Commission's responsibilities.
- The Commissioners will be receiving emails on or around March 21 with directions on completing the Supplemental Statement of Economic Interest. Any questions should be directed to Daniel Stralka as Ethics Officer.

Acting Director Michael Hoffman of Central Management Services met with the Commissioners prior to the meeting to introduce himself and pledged to work with the Commission where possible on initiatives to benefit personnel administration in the State of Illinois.

XVI. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, March 18, 2016 at 11:00 a.m. in the Commission's Chicago office.

XVII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER SCHROEDER, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 3-0 TO ADJOURN THE MEETING AT 11:30 AM.